

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 SCOTT THOMAS VISNICH,

13 Defendant.

CASE NO. CR19-0069-JCC

ORDER

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15 This matter comes before the Court on Defendant Scott Thomas Visnich's motion to
16 proceed with his sentencing hearing by video conference (Dkt. No. 62). Having thoroughly
17 considered the motion and the relevant record, the Court hereby GRANTS the motion for the
18 reasons explained herein.

19 **I. BACKGROUND**

20 On April 4, 2019, Mr. Visnich was charged by indictment with two counts of possession
21 of methamphetamine with intent to distribute and one count of possession of heroin with intent
22 to distribute. (Dkt. No. 13.) He has been in custody since his arrest in March 2019. (See Dkt.
23 Nos. 6, 11, 12.) In October 2019, Mr. Visnich pleaded guilty and his sentencing hearing was
24 scheduled for April 21, 2020. (Dkt. Nos. 37, 48, 50.) However, because of serious health and
25 safety concerns related to the COVID-19 pandemic, the Court continued Mr. Visnich's
26 sentencing hearing to June 9, 2020, (Dkt. No 51), then to August 4, 2020, (Dkt. No. 52), then to

1 September 15, 2020, (Dkt. No. 56), and finally to October 21, 2020, (Dkt. No. 60). To avoid
2 further delay, Mr. Visnich now moves to proceed with his sentencing by video conference. (Dkt.
3 No. 62.)

4 **II. DISCUSSION**

5 Because of the health risks posed by the COVID-19 pandemic, the Court may conduct a
6 felony sentencing hearing by video conference if the defendant consents and the Court finds that
7 the sentencing cannot be further delayed without serious harm to the interests of justice. *See*
8 Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136, §§
9 15002(b)(2)(A), (b)(4), 134 Stat. 281, 528–29 (2020); W.D. Wash. General Order No. 14-20
10 (Sept. 24, 2020), 04-20 (Mar. 30, 2020). Under General Order 15-20, in-person proceedings will
11 not resume until at least January 1, 2021. *See* W.D. Wash. General Order No. 15-20 at 2 (Oct. 2,
12 2020). Mr. Visnich has a strong interest in the speedy resolution of this matter and the Court
13 concludes that delaying sentencing by three additional months would cause serious harm to the
14 interests of justice.

15 **III. CONCLUSION**

16 For the foregoing reasons, the Court GRANTS Defendant's motion to proceed with his
17 sentencing hearing by video conference (Dkt. No. 62) on October 21, 2020 at 9:00 a.m.

18 DATED this 21st day of October 2020.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE